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Critical Intercultural Dialogue

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Cultural pluralism assumes the persistence of inter-group conflicts and poses the question of how members of multiethnic liberal democracies should address disagreements stemming from divergent cultural values. Allowing groups greater cultural autonomy resolves some problems, but does not address those that arise when different cultural values suggest divergent answers to questions of common concern. These can be addressed through developing practices of critical intercultural dialogue that will provide a basis for mutual understanding of group values and valid intercultural criticism. Such critical intercultural dialogue is based on three criteria: the priority of understanding the other's values to criticism of them, the achievement of fair conditions of discussion, and the fostering of mutual openness and trust. This article identifies the difficulties in the way of attaining each of these criteria, drawing examples from recent discussions between members of Native American and other American communities.

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Cultural pluralism is increasingly central to contemporary democratic theory and practice. The need to accommodate diverse cultural groups confronts not only emerging democracies in the developing world and Eastern Europe but also established democracies like Canada, the United States, Germany, and France. In some instances, accommodating cultural groups involves struggles to redistribute resources and opportunities to victims of past or present injustice, as with affirmative action and race-conscious districting in the United States. In

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other instances, cultural pluralism also reflects the desire of cultural groups to maintain distinct identities amidst the pressures of assimilation. While the latter type of struggle can involve past or present oppression, it may also raise intercultural value conflicts. Severe forms of value conflict have arisen regarding issues of gender equality[1] and religious toleration.[2] More moderate value conflicts involve the proper use of natural resources,[3] legitimate forms of self-government,[4] and proper forms of punishment for criminal offenses.[5]

Because cultural pluralism assumes the persistence of inter-group differences, it poses the question of how members of liberal-democratic societies should address divergent cultural values. For the most part, political theorists addressing issues of cultural pluralism have advocated measures such as group rights and self-government as necessary both to protect threatened minority cultures and to realize egalitarian justice within a culturally plural, liberal-democratic society.[6] However, controversies involving intercultural value conflicts indicate the insufficiency of such measures. Most troubling are severe value conflicts, which apparently require either tolerating illiberal cultural practices

1. For instance, the Supreme Court granted ultimate jurisdiction over Native civil cases to tribal courts, thereby upholding a Santa Clara ordinance granting member status to the children of men who married outside of the tribe while excluding the children of women who did so. *Santa Clara Pueblo v. Martinez*, 98 US 1670 (1978). See also Vine Deloria Jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin, TX: The University of Texas Press, 1983), 133-36.

2. For example, Delfino Concha, a Protestant member of the quasi-Catholic, quasi-theocratic Taos Pueblo, lost access to community-owned farming machinery and water resources because he refused to engage in communal, religious services. Hearings before the Subcommittee on Constitutional Rights of Indians, the Committee on the Judiciary of the United States Senate, *Amendments to the Indian Bill of Rights*. First Session (April 11, 1969) (Washington, DC: Government Printing Office, 1970), pp. 59-60. A similar situation came before the Canadian Supreme Court in *Thomas v. Norris*, where the Salish tribal council punished a member for failing to participate in a Spirit Dance. See James Tully, *Strange Multiplicity* (Cambridge: Cambridge University Press, 1995), 172.

3. Thomas Berger, *A Long and Terrible Shadow: White Values, Native Rights in the Americas, 1492-1992* (Seattle, WA: The University of Washington Press, 1991), 101-103.

4. See *Amendments to the Indian Bill of Rights*, 7-11 and below.

5. See *Ex Parte Crow Dog*,109 U.S. 556 (1883).

6. For Iris Young, indigenous self-government counters the invidious forms of oppression suffered by marginal groups, like Native Americans, whose cultural identities differ from the Western, white male ideal. *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 37-38. For James Tully, tribal self-government helps to realize the three "conventions" for a just accommodation of distinct cultures: the *mutual recognition* of a cultural group's sovereignty, the *consent* of each cultural group to a given form of rule, and the preservation of *continuity* with a cultural group's past and future traditions. *Strange Multiplicity*, 116-23. For Will Kymlicka, tribal sovereignty assists individuals within disadvantaged "national minorities" to make autonomous life choices from among an array of culturally meaningful life plans. *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), 82-84 and 108-15; *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989), 164-66 and 187-94.

or imposing liberal norms upon already subordinate groups. However, even moderate intercultural value conflicts are not completely resolved through measures providing greater cultural autonomy. Members of non-protected communities may only reluctantly comply with what they perceive as special privileges granted to other groups. Conversely, protected communities may lack opportunities to criticize values and practices of the majority culture. In general, minority group rights and self-government do not encourage cultural communities to address intercultural value conflicts in a manner that enables intercultural understanding. As a result the groups involved are unlikely to respect each other, let alone learn from each other in mutually beneficial ways.

Here, I explore a more robust response to the problem of intercultural value conflict. I suggest that members of conflicting cultures should practice *critical intercultural dialogue*, whereby they try first to understand and only then to criticize cultural practices they find offensive. In turn, such understanding and criticism should occur through actual intercultural dialogues which take place under fair conditions. While several theorists implicitly assume the value of this orientation,[7] it has yet to be illuminated in light of its theoretical and practical limitations. For instance, understanding another's perspective, while not easy in any circumstance, is especially difficult when there are wide gaps in culture, experience, and history. Furthermore, securing fair conditions acceptable to members of different cultures will also be difficult, since forms of power may permeate intercultural dialogue itself.

These limitations can significantly constrain the possibility of intercultural criticism. But they need not entirely preclude it, if we transform its scope, manner, and aims and make sure that all interpretations of fair conditions remain open to revision. In making this moderate defense of critical intercultural dialogue, I do not attempt to resolve specific intercultural value conflicts, since any dialogical approach should leave such resolutions up to the participants themselves. Nor does critical intercultural dialogue exhaust all possible theoretical and practical responses to the problem of intercultural value conflict. However, by both articulating the central components of critical intercultural dialogue and examining the limitations, possibilities, and conditions facing it, I seek to clarify what must be kept in mind by members of conflicting cultures who wish to engage each other in a mutually educative and critical manner. I do so first by outlining three central criteria for critical intercultural dialogue. I then clarify how understanding different cultural perspectives faces important empirical and ontological limitations, which in turn affect the scope, manner, and goals of intercultural criticism. Subsequently, I examine the conditions necessary for critical intercultural dialogue to proceed

7. E.g., Kymlicka, *Multicultural Citizenship*, 168-71; Tully, *Strange Multiplicity*, 116.

fairly. Finally, I illuminate the practice of critical intercultural dialogue through cases involving certain Native American peoples.

I. Critical Intercultural Dialogue: Central Criteria

Critical intercultural dialogue is possible only if the participants satisfy three criteria: they must adopt an attitude of openness towards each other's cultural perspectives; they must come to understand each other's perspectives; and they must communicate under conditions which they mutually can accept as fair. Only when these criteria are satisfied can members of one culture criticize the practices of another.

The attitude of openness suggests that participants must believe that each other's cultural perspectives or worldviews are, in principle, capable of being understood. Participants cannot assume that their worldviews constitute hermetically-sealed chambers of meaning: rather, they must assume that their worldviews are more like distant but open horizons, understandable through vigorous interpretive effort.[8] This attitude presupposes a sufficient level of trust among participants. They must trust each other to engage in dialogue rather than coercion or manipulation, and they must trust that the dialogue itself will be fair and open-minded, not a volley of stereotypes. In this way, openness and trust are prior to but necessary for intercultural dialogue. The history of oppression experienced by many minority cultural groups may mean that trust and openness are not forthcoming. But without them, intercultural dialogue, critical or otherwise, is impossible.

The criterion of intercultural understanding suggests that one cannot validly criticize cultural practices or beliefs until one understands them. It also requires that intercultural understanding develop through actual dialogical encounters, not through empathy—whereby one vicariously experiences the feelings, thoughts, and experiences of the other—or transposition—whereby one claims to know the other's intentions and motives.[9] Both empathy and transposition risk encouraging the imaginative projection of one's own prior beliefs, fantasies, and prejudices *about* the other onto the other. In a brilliant illustration of this danger, Iris Young relates how able-bodied people polled in Oregon felt that being disabled was worse than death. Disabled people did not agree. Young concludes that the projection of one's prior prejudices about the other fundamentally closes off any genuine dialogue, through which participants could truly learn each other's perspectives.[10] Dialogical understanding demands that mem-

8. Hans-Georg Gadamer, *Truth and Method*, 2d. rev. ed., trans. Donald Marshall and Joel Weinsheimer (New York: Crossroad Publishing Co., 1990), 302-06.

9. I translate as "transposition" Gadamer's idea of *Versetzen*. See *Truth and Method*, 304.

10. Iris Marion Young, "Asymmetrical Reciprocity: On Moral Respect, Wonder, and Enlarged Thought," *Constellations* 3, (1997): 343-44.

bers of different cultures actively engage each other in real dialogue, listen to what the other says, and reach partial agreements about the meaning of the perspectives communicated.[11] In this way, dialogical understanding occurs gradually, in piecemeal and incremental steps based on mutual agreement.

Finally, dialogue must proceed under conditions that all parties involved can accept as fair. Thus, fair conditions must remain revisable as the participants and circumstances change. Here, I will provisionally suggest two conditions that may apply to intercultural dialogue.[12] First, participants within intercultural dialogue should not exercise power over each other. Power may come in the form of physical coercion, economic threats, or modes of speaking which effectively silence one's partner. Second, conditions should allow for thematically unconstrained dialogue. Participants cannot, prior to dialogue, preclude certain themes, issues, or topics from discussion. In the context of intercultural communication, this means that a cultural group cannot unilaterally remove all or parts of its worldview from discussion. Topics can be taken off the agenda within intercultural dialogue, but only when agreed upon by all parties. Note how the preclusion of thematic constraints leads back to the first criterion of openness and trust. Intercultural dialogue, critical or not, cannot serve as a means for addressing cultural conflicts unless participants are open to allowing others to understand their perspectives. This, in turn, precludes thematically constraining dialogue in order to keep parts of one's worldview off the agenda.

The three criteria of critical intercultural dialogue as a whole, and the conditions of fair dialogue in particular, clearly emerge from a specific perspective. They are not objective reflections of the human condition, nor are they universal values shared across all cultures or even within modern Western culture. As a result, they cannot stand as absolute rules but must remain open to revision within the process of intercultural dialogue itself. However, they provide a provisional starting point for distinguishing fair but critical intercultural dialogue from ignorant accusations or the exercise of power.

II. Intercultural Understanding and Criticism: Limitations and Possibilities

Even when openness and trust do exist among cultural groups, it is not clear whether intercultural understanding is really possible. Can a member of a

11. This discussion is suggested in Georgia Warnke, *Gadamer: Hermeneutics, Tradition, and Reason* (Stanford, CA: Stanford University Press, 1987), 100-06.

12. These are derived from Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicolson (Cambridge, MA: The MIT Press, 1990), 87-89, and Iris Marion Young, "Communication and the Other" in *Democracy and Difference*, ed., Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), 133-134.

modern, western, industrial society really come to understand the cultural perspective of a Bororo tribesman. Or to take less exotic examples, can middle-class Euro-Americans always come to understand the perspectives of African Americans or Native Americans, groups which, due partially to past and present discrimination and oppression, have developed significantly distinct cultural frameworks?[13] These queries require us to examine the limitations of intercultural understanding in order to understand how they alter the scope, manner, and aims of intercultural criticism. Doing so requires clarifying both the empirical and ontological limitations to intercultural understanding.

Empirical limitations reflect how constraints of opportunity, time, energy, effort, and skill may limit one's capacity to understand another cultural perspective. Clearly, such limitations are encountered in intercultural political life all the time, where the scarcity of time and resources constrains decisions involving different cultural groups. These empirical limitations could be overcome only by an unlimited communication community,[14] an ideal clearly divorced from political reality. Nevertheless, it is important to examine *the extent to which* different groups overcome these empirical limitations in order to assess *the extent to which* they can validly engage in intercultural criticism. Some groups may overcome these empirical limitations more than others. Take, for example, a minority cultural group which constantly encounters the majority culture through the news media, forms of mass entertainment, or policies and laws enacted by majority rule. Should this be the case, then it is possible (though not necessary) that the minority culture, to a greater extent than the majority culture, will overcome the empirical limitations to intercultural understanding and more validly engage in intercultural criticism.

While empirical limitations chasten the belief that intercultural understanding can develop quickly or easily, they do imply that cultural perspectives can be fully understood, given sufficient time, skill, and effort. More daunting limitations emerge when we examine the ontological character of cultural perspectives. On the most basic level, it is clear that most, if not all, living cultures change over time. As a result, if one seeks to understand a new culture within which one does not regularly participate, then one's understanding may become outdated or inaccurate. On a more complex level, the content and even the boundaries of a culture may change as it encounters other cultures. While critical intercultural dialogue provides one intentional process whereby intercultural contact may lead to cultural change, other, less

13. In using these umbrella terms, I do not ignore important distinctions and differences that exist among the individuals included within them. For purposes of this essay, however, I will use these terms, except where more specific cultural groups, like the Pueblo, are discussed.

14. See Karl-Otto Apel, "Scientism or Transcendental Hermeneutics," in *Towards a Transformation of Philosophy*, trans. G. Adey and D. Frisby (London: Routledge, 1980).

conscious processes can also be important. Interaction with European settlers prompted many diverse Native American nations to develop a "supratribal consciousness," which led them to discount cultural differences among themselves while emphasizing shared values that distinguished them from Europeans.[15] Similarly, Americans of South Asian descent may emphasize distinct religious or linguistic identities in their interactions with each other but then emphasize shared social mores or culinary tastes in environments dominated by Euro-Americans. In either case, individuals may give greater salience to different cultural values or norms when placed in different cultural contexts. These changes need not simply reflect strategic maneuvers to maintain distinctiveness or to protect group interests. Indeed, such changes may occur unconsciously, beyond the intentions of the participants, and may be unrelated to the pursuit of self-interest. Instead, changes to the salience of different cultural values or experiences can be crucial for a cultural worldview to maintain itself. How these changes complicate intercultural understanding should neither be underestimated nor dismissed.

Empirical and ontological limitations to intercultural understanding need not completely preclude intercultural understanding: rather, they preclude only *complete intercultural understanding*. Participants within intercultural communication must acknowledge that a final and comprehensive understanding of another culture is unlikely, but partial, provisional understandings remain possible. Thus, acknowledging the limitations to understanding need not lead one uncritically to accept statements like, "You wouldn't understand anyway." Rather, acknowledging these limitations should prompt participants to enter intercultural dialogue expecting to learn something from the other,[16] since any prior assumptions are only partial, finite, and incomplete. In this way, recognizing the empirical and ontological limitations to intercultural understanding reconfigures intercultural dialogue as part of an ongoing process that can come to partial conclusions but can never reach a final resting point.

Acknowledging ontological and empirical limitations to understanding clearly limits claims about the capacity for valid intercultural criticism, since one can only criticize what one understands. However, these limitations need not preclude intercultural criticism in its entirety: rather, they might require that we transform its *scope, manner,* and *aims*. Intercultural criticism has often been portrayed in a deductive manner. According to this approach, the critic deduces from putatively objective or natural human characteristics certain moral positions, which are in turn used to criticize specific cultural practices.

15. Stephen Cornell, *The Return of the Native: American Indian Political Resurgence.* (Oxford: Oxford University Press, 1988), 114-15.

16. Gadamer, *Truth and Method,* 293-94.

As skepticism about such pure moral truths has grown, some liberal thinkers have reformulated cultural criticism as neutral dialogue based upon those beliefs, values, or concepts shared by the various cultural groups within a society.[17] In this portrayal, the scope of cultural criticism is bounded by whatever beliefs members of different cultural groups already share.

One might reject this liberal portrait for its use of the term neutrality, its specific articulation of the shared beliefs in question, or its demand that dialogue must be constrained to shared themes.[18] However, one can reconfigure the liberal model as a more contingent process, through which members of different cultural groups reach partial understandings of their cultural perspectives and only then criticize either these partial understandings or the practical conclusions drawn from them.[19] This more contingent portrait does accurately depict how the limitations of intercultural understanding also limit the scope of intercultural criticism.

Yet intercultural criticism need not remain so bounded in scope if we transform its manner. Instead of depicting cultural criticism in deductive terms, we might portray it through the model of questioning. From her analysis of limitations to understanding, Young concludes that partners in dialogue will probably end up engaging in questioning, since they do not fully understand each other's perspectives.[20] When portrayed in this way, questioning remains part of the process of intercultural understanding. But coming to know what one does not know should remind us of the wisdom of Socrates, perhaps the best known questioner in Western philosophy. Although Socratic questioning was, at least ostensibly, motivated by his admission of ignorance, it also enabled criticism of the values and beliefs of his interlocutors, by drawing on their own answers and inconsistencies. Now, we need not affirm all examples of Socratic questioning, which in some Platonic dialogues appears motivated less by a desire to learn than by the will to impose a specific position upon a pliant audience. However, the aporetic dialogues, where neither Socrates nor his interlocutor arrives at any firm conclusion about the topic in question, suggest a more open-ended manner of criticism.

17. The standard models of constrained liberal dialogue are Bruce Ackerman, "Why Dialogue?" *Journal of Philosophy* 86 (January, 1989): 5-22; and John Rawls, "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7 (Spring, 1987): 1-25, and "The Priority of the Right and Ideas of the Good," *Philosophy and Public Affairs* 17 (Fall, 1988): 251-76.

18. For a trenchant criticism of this formulation of public dialogue, see Seyla Benhabib, *Situating the Self* (New York: Routledge, 1992), 95-104.

19. To various degrees, what I call the more contingent approach to constrained liberal dialogue is presented by Charles Larmore, "Political Liberalism," *Political Theory* 18 (August 1990): 347-49 and J. Donald Moon, *Constructing Community* (Princeton, NJ: Princeton University Press, 1993), 99-100.

20. Young, "Asymmetrical Reciprocity," 355-57.

When we adopt the open-ended manner of questioning, the aims of intercultural criticism also change. The deductive model of intercultural criticism brings substantive criticisms to bear on existing beliefs and practices: the model of aporetic questioning achieves the more modest goal of prompting participants to realize the contingency and finitude of their cultural worldviews. It also suggests that the recognition of such contingency will encourage individuals to reflect upon and question their own perspectives, opening them to possible cultural changes through later intercultural dialogues. This type of outcome is portrayed in Plato's *Theatetus*. Here, despite the failure to reach any final conclusion regarding the meaning of knowledge [*episteme*], Socrates nevertheless hopes to achieve a practical goal. By pointing out the limits of Theatetus' knowledge, Socrates believes that the brilliant youth may become more gentle with his own intellectual comrades.[21] Similarly, when we portray intercultural criticism as open-ended questioning, the aim of criticism shifts: participants seek only to encourage each other to experience their cultural worldviews as contingent and open to revision.[22] In this way, critical questioning sets the stage for further dialogues, wherein the partial agreements which ground deductive intercultural criticism may be attained.

III. The Conditions of Critical Intercultural Dialogue

By thus altering its scope, manner, and aims, participants can continue to practice intercultural criticism even while acknowledging empirical and ontological limitations to intercultural understanding. Even so, intercultural dialogue needs to be based on certain rules if it is to proceed under fair condi-

21. Plato, *Theatetus*, 210c. For an insightful account of how the aporetic character of certain Socratic dialogues can contribute to toleration of different perspectives, see Gerald M. Mara, "Socrates and Liberal Toleration," *Political Theory* 16 (August 1988): 468-95.

22. Although approached through a very different theoretical lens, this point seems to resonate with Jürgen Habermas's assertion that a discursive normative framework demands a "postconventional morality," where one's norms and beliefs are held as hypothetical and open to revision. Habermas uses this notion show how discourse is incompatible with fundamentalist cultures that close off their religious or metaphysical worldviews from critical scrutiny. See Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholson (Cambridge, MA: The MIT Press, 1990), 87; *Between Facts and Norms*, trans. William Rehg (Cambridge, MA: The MIT Press, 1996), 371; and Stephen K. White, *The Recent Work of Jürgen Habermas* (New York: Cambridge University Press, 1988), 57-58. As is well known, Habermas tries to arrive at this point through a defense of the normative content and communicative rationality of the modern ways of thinking. While an analysis of Habermas's position is impossible here, my main concern is that it frees modern cultures from recognizing their own contingency and the possibility that they may have something to learn from cultures which, at least in some ways, might not be considered modern. If this is the case, then Habermas's modern culture is not satisfying the criterion of openness necessary for critical intercultural dialogue.

tions. Earlier, I provisionally suggested two sets of rules: one precluding the exercise of power, and the other precluding thematic constraints. Power-negating rules at minimum require participants to abstain from exercising *social power*, the capacity to manipulate the words or actions of others through the use or threat of force. Because social power is often facilitated by access to material or financial resources, measures to overcome significant material inequality may be needed to ensure the fair and equal participation of economically and politically marginalized cultural groups.[23] Rules proscribing thematic constraints at minimum prohibit groups from taking certain topics off the agenda prior to securing the agreement of others. These two sets of rules do not only facilitate but are partially constitutive of intercultural dialogue: without such minimum conditions of fairness, the dialogical process of coming to understand and then criticizing another culture would be impossible. Yet these rules are provisional and open to revision within the process of dialogue. Thus, we must both examine how rules can be disputed and revised and evaluate the specific rules proposed here.

To dispute the specific conditions of fairness need not close off intercultural dialogue. As many writers have noted, dialogue can be portrayed as a loosely organized game "where there is no umpire to definitively interpret the rules of the game and their application."[24] As a result, dialogue can continue, even if the rules are challenged or disputed, so long as the players can agree to new rules and applications. However, two issues remain crucial. First, all participants must equally accept these rules: nobody can impose rules upon others, be they linguistic experts, social theorists, or members of the dominant culture. As Gadamer puts it, linguistic dialogue "is the game which we all play together. None plays before the other; each is in the midst of the game."[25] Second, all participants must remain committed to playing the game of intercultural dialogue. This commitment can be reinforced through the process of dialogue itself, for example when critical questioning encourages groups to view their perspectives as provisional and revisable, or when actors formulate solutions to common problems.

The possibility of revising the rules of dialogue suggests that we evaluate the specific rules proposed here. For instance, a liberal critic might find three faults with the preclusion of thematic constraints: they hinder efficient decision making; they contradict liberal toleration, since many groups simply wish to pursue their cultural ends without interference; and they may promote inter-group conflict by highlighting controversial topics. These criticisms are

23. Habermas, *Between Facts and Norms*, 150 and 175.

24. Benhabib, *Situating the Self*, 107.

25. Hans-Georg Gadamer, *Philosophical Hermeneutics*, trans. David E. Linge (Berkeley, CA: The University of California Press, 1976), 32.

cogent but tell only half the story, since they overlook the importance of *how* topics are taken off the agenda. If all groups *agree* to exclude a controversial topic from further discussion, whether to move on to more pressing concerns, to respect a group's specific practices, or to avoid conflict, then there has been no violation of the rules precluding thematic constraints.[26] If, however, one group refuses to entertain a controversial topic which another group intensely wishes to address, then fair dialogue is not possible.[27] Indeed, the very idea of critical intercultural dialogue suggests that controversial topics must be raised, since criticism usually involves a topic that is controversial to at least one group. Admittedly, controversial contributions will not immediately gain many adherents among members of other cultures. In order to gain broader acceptance, initially controversial contributions will have to emphasize their similarities to other concepts already accepted. Yet it is possible that initially controversial cultural viewpoints may eventually gain the assent or at least the respect of others, and this possibility remains only if intercultural dialogue is thematically unconstrained.

From a very different angle, Young criticizes the focus on negating *social power*, since this overlooks how the use of some modes of speaking, like argumentative Habermasian discourse, may embody a form of *cultural power* that silences women and some minorities.[28] Young clearly raises an important point. Arguments are won not simply by the force of the better argument but also by the force with which one argues. At minimum, valid points can be overlooked simply because they are tentatively raised. At maximum, some individuals will be cowed into silence or false agreement simply because they are intimidated by argumentative speech. As a result, we must inquire how actors can counter cultural power without constraining dialogue in other ways.

To do so, one might adopt rules proscribing argumentative speech within intercultural dialogue. This solution falters on two grounds. First, it may function almost like a thematic constraint, since it is probably impossible to make a clear distinction between the content of speech and its mode of conveyance. Sometimes, one's true meaning can only be conveyed in a specific way. Second, argumentative speech is often necessary in order to criticize morally suspect cultural practices. As a result, a blanket condemnation of argumentation within intercultural dialogue is probably misguided. A different but equally problematic response suggests that participants adopt putatively more

26. Simone Chambers, "Discourse and Democratic Practices," in *The Cambridge Companion to Habermas*, ed. Stephen K. White (New York: Cambridge University Press, 1995), 240.

27. Seyla Benhabib notes that many marginalized groups, like women and cultural or ethnic minorities, have been able to have their perspectives heard only by making controversial claims, statements, and questions. *Situating the Self*, 154.

28. Young, "Communication and the Other," 133-34.

inclusive modes of speech, such as greeting, storytelling, rhetoric,[29] and testimony.[30] However, it is not always apparent *how* culturally marginalized groups will benefit from these other modes. Greetings may be hollow formalities, stories can be told that disparage disadvantaged groups, rhetoric can be used to manipulate pliant audiences, and the credibility of testimony is clearly linked to the status of the witness. Indeed, argumentation may prove indispensable in testing the content of propositions introduced through other modes of speech.

Ultimately, the very real danger posed by cultural power must be countered by the willingness of actors to listen receptively to each other, in order to *understand* other perspectives before criticizing them. Such receptive listening assumes that participants believe that they have something to learn from each other, which in turn presupposes the openness and trust that enable intercultural dialogue in the first place. This presupposition is not unrealistic. Although the spirit of openness is not always present, resolute intransigence toward intercultural dialogue tends to occur only in extreme cases. Even usually reclusive groups like the Pueblo have adopted openness and trust within forums for intercultural dialogue. Moreover, openness and receptivity can be motivated not only by moral altruism but also by at least four potential advantages.

First, it offers marginalized groups the opportunity to have their perspectives heard directly, not through the projections and representations of the dominant culture's news and entertainment media. Second, intercultural learning can benefit all groups involved. For instance, Euro-Americans are increasingly turning to Native models of mediation to bypass the costs of adversarial dispute settlements common in litigation. Conversely, some commentators believe that the introduction of certain Anglo-American judicial procedures can assist Native institutions, like tribal courts, as they deal with the increased complexity of their jurisdictional duties.[31] Third, under circumstances of cultural conflict, the costs of engaging in critical intercultural dialogue can be offset by increased voluntary compliance, since solutions generated by agreement tend to enjoy greater legitimacy than those imposed by outside forces.[32] Finally, one cost of engaging in critical intercultural dialogue—the risk that one's cultural values will be criticized or condemned—can also be an advantage. While the pain of receiving criticism or the shaking of one's worldview should not be underestimated, the potential for criticism can also be interpreted as a sign of respect. Uncritical acceptance of worldviews, regardless of content, is patronizing both in its failure to take other cultures seriously and in its

29. Young, "Communication and the Other," 128-33.
30. Lynn Sanders, "Against Deliberation," *Political Theory* 25 (June 1977): 347-76.
31. Deloria and Lytle, *American Indians, American Justice*, 203.
32. John Dryzek, *Discursive Democracy* (Cambridge: Cambridge University Press), 55.

presumption that others cannot revise their perspectives.[33]

Still, we must acknowledge that the advantages of openness are potential, not guaranteed. When groups fail to adopt the attitude of openness necessary for critical intercultural dialogue, then we may have to watch as other cultures commit acts which appear unjust, taking care to protect ourselves from apparent injustices. In these situations, the commitment to dialogue is superseded by a strategic attempt to secure a prudential modus vivendi.[34] But even within a modus vivendi, residual duties still apply to adherents of critical intercultural dialogue. At minimum, they must retain a stance of openness. This entails the willingness to try to understand other cultures and to hold their own values as open to revision. In the absence of actual intercultural dialogue, however, this does not require blindly affirming morally suspect cultural practices. Furthermore, given the tight relationship between openness and trust, they should investigate whether a group's present lack of openness results from past interactions that have undermined trust. Should this be the case, then unilateral measures may be required to generate intercultural trust. Finally, because power relations contradict the fair conditions for critical intercultural dialogue, groups may bear asymmetrical residual duties within a modus vivendi. Just as asymmetrical capacities to overcome the empirical limitations to understanding give groups asymmetrical opportunities to engage in intercultural criticism, so too does the asymmetrical possession of power provide asymmetrical duties to remain open and to generate trust. In this way, critical intercultural dialogue, even when it confronts its most difficult limits, nevertheless prescribes substantial normative duties.

IV. Illuminating Critical Intercultural Dialogue

While critical intercultural dialogue extends normative weight even at its limits, its primary focus is to foster fair criticism within actual intercultural dialogues. To illuminate this, I turn here to issues of cultural value conflict between Native American and other American communities. My goal is not to resolve such conflicts, since a dialogical approach leaves resolution to the participants themselves. Instead, I use the framework of critical intercultural dia-

33. Charles Taylor, "The Politics of Recognition," in *Multiculturalism and the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 62-73.

34. I emphasize that this would be a modus vivendi and not what Young calls "a stance of respectful distance" in "Asymmetrical Reciprocity," 345 and 358. The latter results when groups confront the limitations to understanding or agree to disagree only after engaging in fair and critical intercultural dialogue. When groups refuse attempts to engage in dialogue, especially in situations of cultural value conflict, then respect falls away and only distance remains. For this distance has not been traversed by the dialogical understanding and criticism that might determine whether or not respect was warranted.

logue to evaluate the extent to which actors involved in intercultural value conflicts achieve the criteria of understanding prior to criticism, fair conditions, and an attitude of openness and trust.

Understanding Prior to Criticism

Although it is almost a truism that one can only validly criticize practices and beliefs that one truly understands, the achievement of understanding prior to criticism confronts difficult empirical and ontological limitations in practice. Empirical limitations often reflect asymmetries in the frequency and depths of contact among different cultures. Such asymmetry exists among many Native Americans and non-Native American individuals. Through the electronic and print media, formal education, migration from reservations to cities, and interactions with federal courts and bureaucracies, many Native individuals directly encounter aspects of many non-Native cultures. Conversely, most non-Native individuals encounter Native cultures only briefly, infrequently, or through movies, television shows, and advertisements. This empirical asymmetry may enable Native individuals to gain a better understanding of non-Native cultures than vice-versa. For example, many Native individuals have developed considerable understandings of political concepts like limited government, consent of the governed, and territorial jurisdiction. Many non-Native individuals, including lawyers and political theorists, might agree with these understandings. As a result, Native individuals can use these partial understandings to criticize actual federal policies that contradict them. For instance, contrary to the idea of full territorial jurisdiction, tribal courts generally cannot hear criminal cases and cannot try non-Natives who commit crimes on tribal territory.[35] Furthermore, in contrast to ideas of limited government and consent of the governed, the U. S. Congress can use federal plenary power to abrogate treaties and impose federal laws upon Native peoples without their consent.[36] Native leaders have criticized both of these policies as contrary to political concepts that the broader American community purportedly holds dear.[37] The framework of critical intercultural dialogue would support them in doing so.

35. This would be like a New Jersey court being unable to try a New Yorker who crossed the Hudson River to commit a crime. See Deloria and Lytle, *American Indians, American Justice*, 178-82.

36. Congressional plenary power over Native peoples is an extra-constitutional power formed by the Supreme Court in *United States v. Kagama* and *Lone Wolf v. Hitchcock*. See David E. Wilkins, "Transformations of Supreme Court Thought," *The Social Science Journal*, 30: 194-197.

37. As one non-Native writer puts it, "In a constitutional republic premised on the authority of limited sovereigns and the consent of the governed, federal doctrines of plenary power and uni-

Conversely, most non-Native individuals neither possess nor act upon opportunities to understand Native cultures. Thus, the extent to which they may validly criticize Native practices may be restricted. Take the case of *Thomas v. Norris*, where the Canadian Supreme Court held that the involuntary character of the Spirit Dance was not an intrinsic part of Salish culture and thus ruled that the punishment of non-participants was unconstitutional.[38] Admittedly, my limited understanding of Salish culture prevents me from rejecting this conclusion outright. However, the criterion of understanding prior to criticism forces us to inquire whether the Canadian Supreme Court—a body dominated by European Canadians—was able to reach partial agreements with the Salish about the central components of their culture. If not, then it cannot justify its decision on cultural grounds.

The problem of ontological limitations to intercultural understanding is illustrated by examining the issue of patrilineal succession. This practice grants tribal membership to the children of men who marry outside the tribe but not to the children of women who do so. While non-Native individuals cannot validly criticize this practice unless they gain a sufficient understanding of the cultural worldview that animates it, certain circumstances may justify greater outside criticism. First, many female members of tribes that practice patrilineal succession do criticize this practice. Moreover, historical and anthropological evidence suggests that, prior to the European migration to North America, *matrilineal succession* was the norm among several tribes that presently practice patrilineal succession. The British clearly introduced patrilineal succession to Native peoples in Canada through the Indian Act, while in pre-colonial times the Santa Clara Pueblo practiced matrilineal succession.[39] However, such historical evidence is an insufficient basis for rejecting patrilineal succession. For instance, the Santa Clara Pueblo adopted patrilineal succession through its own governing structures, after it regained tribal sovereignty.[40] Thus, individuals outside of the Santa Clara Pueblo cannot immediately suggest that the patrilineal ordinance contradicts authentic cultural practices, since this would overlook the ontological fact that cultures can

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lateral abrogation of tribal authority are clearly extra constitutional and ought to be considered beyond the scope of national authority." Frank Pommersheim, *Braid of Feathers: American Indian Law and Contemporary Tribal Life* (Berkeley, CA: The University of California Press, 1995), 120.

38. Tully cites this case as an instance where intercultural accommodation need not overlook the demands of individuals, *Strange Multiplicity*, 172.

39. Tully, *Strange Multiplicity*, 193 and Michael McDonald, "Indian Status: Colonialism or Sexism?" *Canadian Community Law Journal* 9 (Annual 1986): 27 for Canadian Native peoples. Deloria and Lytle, *American Indians, American Justice*, 133 on the Santa Clara Pueblo.

40. Deloria and Lytle, *American Indians, American Justice*, 133.

change over time. But the ambiguity of cultural history and the presence of internal dissent does justify further critical questioning.

Critical questioning is of crucial importance in the midst of empirical and ontological limitations to intercultural understanding. Where partial agreements about different cultural perspectives do not exist, non-Native peoples are not completely precluded from criticizing Native practices: rather, they should adopt critical questioning with a genuinely open stance, whereby the questioner does not assume the role of the police interrogator but asks questions aimed at learning the other perspective. In doing so, the questioner should ask for clarification of unclear ideas or beliefs, acknowledge areas of misunderstanding and disagreement, and remain persistent, particularly where misunderstanding or disagreement remains.

Fair Conditions

Whether adopting the form of critical questioning or deductive analysis from partial inter-cultural agreements, intercultural criticism remains valid only to the extent that it occurs under fair conditions. Since fair conditions are in part meant to counter the asymmetrical power relations which exist between the Native and non-Native communities, arenas of intercultural dialogue should be protected from the effects of this inequality. Yet broader social conditions may render this difficult. Many Native peoples suffer relative deprivation regarding not only material resources but also education, health care, and maybe even psychological well-being.[41] These deprivations may in turn diminish their very capacity to engage in intercultural dialogue. Hence, merely insulating the forum of intercultural dialogue from the influence of money and direct coercion may fail to produce fair conditions. To rectify this situation, efforts to improve conditions within Native communities should precede critical intercultural dialogue. Indeed, such measures may be necessary to generate the trust and openness upon which critical intercultural dialogue depends.

The following dialogue illustrates the distorting effects of forms of social and cultural power. Here, Domingo Montoya, Chairman of the All-Indian Pueblo Council, and Paul Woodard, the Senate Counsel, engage each other in a 1969 Senate hearing in Albequerque concerning possible changes to the 1968 Indian Civil Rights Act. Montoya worried that the act's Equal Protection Clause would require the immediate and chaotic replacement of Pueblo forms of consensual leadership selection with American-style competitive elections.

1. Woodward. Do you think in the other pueblos, if you were to establish a

41. See Berger, *A Long and Terrible Shadow*, 37-38.

system . . . of competitive elections, that there would be *opposition to the candidates recommended by the elders*?

Montoya. Yes, I do. I think that they would—the reason for this would be because of the low level of education at this time. *I think they still would want to live the way they are living, have lived for centuries, and still want to go on with their present system.* I know that in time as the people obtain an education they will demand a change.

2. W. In other words, you don't think they should be permitted, because of this low level of education right at the moment, to choose their own leaders?

M. That is one important reason.

3. W. Do you think, then, that the leaders chosen by the elders *do not enjoy general support* among the pueblos?

M. No, I think they do.

4. W. You think that they would be supported *by a majority of the people* in the pueblos?

M. Yes.

5. W. Then, presumably they could be elected even if you had an election in which every member of the pueblo participated and in which candidates were recommended by the elders for governor and members of the council?

M. What is the question?

. . . .

6. W. What would be wrong with that, then? In other words, what I am getting at is why elections would result in dissension and chaos as you indicated?

M. I am talking about the old system. You are trying to . . .

7. W. I am talking about the new system. Under the new system that would be imposed, although I am not entirely clear that the act would require . . .

M. If the act changed, certainly they would be elected if they got on the right side of the people.

8. W. Then what would be wrong with that?

M. Really, there would be nothing wrong with it except that the people would have to want them and would have to vote for them.

9. W. Under the Indian Rights Act [sic], that's exactly the case . . .

M. Yes.

10. W (continuing). People would have to want them.

M. Yes, sir.

11. W. If, as you indicate, the candidates recommended got the widespread support in the pueblos, they would be elected and I don't see why there would be dissension and chaos.

M. Well, it would be. Very hard to understand.[42]

A substantial amount of misunderstanding seems to arise within this dialogue. Montoya, in his first response, seems to misunderstand the question and apparently responds that there would be popular opposition to the *introduction of competitive elections*, not to the candidates recommended by the elders, as Woodward states. In the fifth and sixth questions, Montoya respectively asks what the question is and appears confused about which system is being discussed. The breadth of misunderstanding became clearer when, following this dialogue, Thomas Olson, the Euro-American counsel for the All-Indian Pueblo Council, clarified Montoya's concerns. He noted that in several Pueblos, less than five percent of the population was registered to vote, since voting in competitive elections had not been a part of their lives. While several civic groups had been working to register Pueblo voters and introduce them to the American political system, the work is still at an early stage. Hence, he tentatively concluded that the immediate introduction of competitive elections would likely diminish the people's confidence in both their own leaders and the federal government.[43] These misgivings, while not necessarily conclusive, could plausibly be accepted by individuals outside the Pueblo community, since they raise concerns regarding new political institutions that have been voiced in a variety of cultural and political contexts.[44]

The causes of the above misunderstandings are probably multifarious. The participants hold asymmetrical social power. Though this hearing was somewhat insulated from the effects of social power, since participants could not use force, threats, or bribes to manipulate the positions of the other, it still is part of the deliberations of the U. S. Senate. That body does enjoy the congressional plenary power unilaterally to alter the political structure of the Pueblos, who of course lack the power to reciprocate. Indeed, at the time of this hearing, the Indian Civil Rights Act had already been passed, and the participants were discussing only whether to modify some of its provisions. As a

42. Amendments to the Indian Bill of Rights, 10-11. Emphases added.
43. *Amendments to the Indian Bill of Rights*, 11-12.
44. Kymlicka, *Multicultural Citizenship*, 167.

result, Montoya and the Pueblo are in the weaker position.

Furthermore, the dialogue also suggests that Woodward's adversarial style exerted a certain amount of cultural power over Montoya. Montoya was often confused by Woodward's questions, and his ultimate acquiescence seems to reflect frustration at being misunderstood more than any rational conviction through the force of the better argument. Addressing the problem of cultural power need not require a complete prohibition of argumentative dialogue, since doing so might entail a dangerous thematic constraint. Moreover, argumentation may provide substantial benefits. At minimum, it can help test the validity of the claims that the participants offer. More broadly, argumentation can help expose power relations which representative participants might hold over their constituents. Montoya claims to speak for the Pueblo, but his position might result from questionable political power relations internal to the community. However, Woodward's use of argumentation exposes neither the indefensibility of Montoya's concerns nor the presence of internal power relations. Argumentative speech is probably indispensable for *critical* intercultural dialogue, but criticism is valid only after achieving understanding. So if immediately assuming an argumentative stance hinders intercultural understanding, it should *initially* be avoided.

Openness and Trust

The difficulty of countering cultural power without thematically constraining dialogue reminds us that an attitude of openness and trust remains crucial for the practice of critical intercultural dialogue. The possibility that participants will adopt openness at least partially depends upon the potential advantages enabled by this attitude. One advantage is the possibility of voluntary compliance with new institutions that are not forced upon unwilling groups. Indeed, Montoya notes that some Pueblos have adopted modified, American-style political institutions "of their own free will, under the terms of the Indian Reorganization Act of 1934."[45] While the Congressional enactment of this policy did not fully satisfy the criteria of critical intercultural dialogue, its provisions for voluntary compliance suggest that this advantage is not merely speculative.

Moreover, different forums can also foster or inhibit an attitude of openness. Senate hearings probably hinder openness within intercultural dialogue, since federal plenary power places Native and governmental officials within an asymmetrical power relation that casts a shadow even upon insulated arenas. More generally, empirical analysis suggests that decision-making settings tend to discourage participants from adopting the attitude of openness

45. *Amendments to the Indian Bill of Rights*, 9.

necessary for critical intercultural dialogue.[46] This need not suggest that fair critical intercultural dialogue is impossible within such settings, but it does imply that we must identify other, more favorable arenas. Venues that lack decision-making powers may be more promising.

Frank Pommersheim suggests that Native and non-Native representatives sit on commissions that examine tribal-state relations and advise citizens and legislators through publications. These commissions could address not only strong value conflicts but also issues, like resource development, that indirectly engage value conflicts over conceptions of property and human relationships with nature.[47] Intercultural professional organizations may be another promising setting. Game management, tax collection, law enforcement, and jurisprudence confront Native and non-Native practitioners with common problems caused by overlapping jurisdictional boundaries. These problems would remain even if tribal courts are granted full territorial jurisdiction, since reservations often cross state borders.[48] While such organizations could clearly aid in training and education, their greatest contribution might be to encourage Native and non-Native participants "to appreciate one another *as* people who share similar job challenges, rewards, and frustrations."[49] Thus, they might assist critical intercultural dialogue less through the criticism of specific practices than by gradually developing trust and openness.

Finally, critical intercultural dialogue can be fostered by mediation, where a third party helps participants resolve conflicts themselves. Unlike binding arbitration or legal adjudication, mediation does not grant the third party decision-making powers. Instead, the mediator tries to build trust among participants, encourages them to hold their perspectives as revisable, and suggests mutually advantageous solutions. This lack of decision-making power differentiates mediation from the juridical model of dispute settlement. Indeed, one sign of successful mediation is the increasingly inactive role of the third party, an element that reveals its "discursive design."[50] Mediation may be particularly attractive for cases involving Native groups, many of whom traditionally resolved disputes through elders who did not pronounce verdicts but tried to "create an atmosphere" for participants to "discuss the problem until a satisfactory . . . solution could be agreed upon."[51]

46. Chambers, "Discourse and Democratic Practices," 255.
47. Pommersheim, *Braid of Feathers*, 154, 160.
48. Deloria and Lytle, *American Indians, American Justice*, 187-88.
49. Pommersheim, *Braid of Feathers*, 158-59.
50. Dryzek, *Discursive Democracy*, 44-46.
51. Deloria and Lytle, *American Indians, American Justice*, 112.

V. Conclusion

These institutional suggestions should not be mistaken for substantive answers to specific intercultural value conflicts. Indeed, the history of Native and non-Native political interactions suggest that there "are no 'answers,' and the imposition of 'answers' in the past—answers such as cultural assimilation, religious conversion, and the concept of individual property—resulted in substantial cultural loss and the severe erosion of political and personal autonomy."[52] This aporia reflects the fact that these "answers" were supported not only by those selfishly seeking to exploit disadvantaged peoples but also by allies who viewed Native forms of land holding, religious worship, and communal living as obstacles to their advancement.[53] With this in mind, critical intercultural dialogue avoids well-intentioned answers and seeks only to clarify how actors themselves can mitigate intercultural conflicts.

Importantly, this means facing the conflict, not avoiding it. When the practices of one culture seem to contradict values cherished by another, critical intercultural dialogue proposes neither imposing answers nor looking the other way. Rather, it encourages members of conflicting cultures to adopt an attitude of openness toward each other, to attempt to understand each other's perspectives, and only then to engage in intercultural criticism. In advocating this stance, critical intercultural dialogue also encourages participants to recognize honestly the limitations confronting intercultural understanding, how these limitations alter the scope, manner, and aims of intercultural criticism, and what conditions enable intercultural dialogue to proceed fairly. Thus, a theory of critical intercultural dialogue cannot propose answers to specific cultural conflicts. Instead, it encourages participants to explore the questions carefully and persistently, in order to discover answers that better accommodate their diverse cultural perspectives.

52. Pommersheim, *Braid of Feathers*, 12.
53. See Berger, *A Long and Terrible Shadow*, 102.